

STATEMENT OF AMNESTY INTERNATIONAL TO THE UNITED NATIONS

SPECIAL COMMITTEE ON DECOLONIZATION

13 August 1987

Mr Chairman, thank you for the opportunity to once again bring Amnesty International's concerns about East Timor to the attention of this Committee. Amnesty International works for the release of prisoners of conscience who have been detained for the non-violent expression of their political or religious beliefs. It works for fair and prompt trials for all political prisoners and for an end to torture and other forms of cruel, inhuman or degrading treatment or punishment, including the death penalty. Self-determination does not fall within Amnesty International's mandate. We believe, however, that human rights considerations must inform the broader discussion on East Timor taking place within the United Nations.

The human rights situation in East Timor continues to be cause for concern. It is difficult to gather and assess information on human rights given restrictions on access to the territory, strict press controls and monitoring of postal and telephone communications. Despite these constraints, however, Amnesty International has received reports of extrajudicial executions and torture in 1986 and 1987. It remains concerned about the fairness of trials of people arrested on suspicion of having links to Fretilin and about the failure of the Indonesian Government to investigate the fate of thousands of East Timorese reported to have "disappeared" or been executed in the almost 12 years since the Indonesian invasion. To Amnesty International's knowledge, not one person has been prosecuted for alleged human rights offences in East Timor despite admissions from the government that some "mistakes" may have been committed.

At the same time, some of the concerns raised last year before this Committee have been resolved. Amnesty International welcomes in particular the closure of the island of Atauro as a place of detention. At the height of its use as a detention center in 1982, Atauro had a prisoner population of over 4000. By the end of 1986 the number of detainees had declined to about 650, and the process of relocating detainees back to the main island appears to have been completed by mid-1987.

It has not been possible to verify the most recent reports that Amnesty International has received of extrajudicial executions, due to the restrictions on access to information mentioned above. We believe, however, that the allegations are sufficiently grave to warrant thorough investigation.

On 23 February 1986 a man named Armando from Borala village, an inmate of a prison in Ossu, Viqueque, was killed after being captured trying to escape. The escape attempt reportedly took place two days after a Fretilin raid on a medical clinic. Armando is reported to have been stabbed to death inside the prison by a military officer and a member of the civilian militia.

On 3 March 1986, a tribal chief in Maluro, Lore, Viqueque named Vatzu Tani is reported to have been killed by members of the First Marine Battalion, according to Amnesty International sources. He is said to have opposed the cutting down of cassava plants, a local food staple, which the marines believed were providing cover for Fretilin. He was arrested and flown to Los Palos and was reportedly killed by officers accompanying him on the flight.

On 4 September 1986, Julio Sarmento from Mauxiga, Hatubulico, Ainaro is reported to have been killed by members of the Indonesian Special Forces while in detention in Ainaro. According to unconfirmed reports received by Amnesty International, Julio Sarmento had been injured while taking part in a Fretilin raid in Holorua, Same. He was then taken to a Special Forces post in Ainaro where he was tortured under interrogation and later shot, according to these reports.

Other reports of torture have come to Amnesty International's attention. Aleixo Guterres, formerly a member of the political party Uniao Democratica Timorense (UDT), was arrested, probably in mid-1986 by military intelligence (Satgas Intel). He had been the subdistrict officer or camat of Maubisse and is believed to have been accused of collaborating with Fretilin. He was taken to a house in Dili occupied by KOTIS, the intelligence branch of the regional military command, where he is said to have been severely beaten and tortured with lighted cigarettes. He was brought to trial in Dili in October or November 1986 and eventually convicted; the length of his sentence is not known. He is currently detained in the Comarca Prison.

Vicente de Sousa, a retired nurse in his fifties who had been working with the Catholic church in Dili was arrested by Indonesian military officers on 14 February 1987. He was reported to have been accused of desecrating a statue in front of Our Lady of Fatima church in Dili, an act for which many blamed Indonesian soldiers. It is not clear who was in fact responsible. Vicente de Sousa was reportedly taken to the KOTIS house, which is said to be in Mandarin, on the road to the airport, where he was beaten and submerged in a tank. He was released after about a week through the intervention of church fathers.

In Amnesty International's experience, the risk of torture is particularly great for East Timorese arrested and interrogated by the Indonesian military in district or sub-district commands outside the capital city of Dili. Such people can be detained for months at a time in local military commands before release or transfer to Dili. For example, on 22 February 1986 a young man named Manu Russo from Uabubo, Viqueque was arrested by Group 4 of the Indonesian Special Forces following the Fretilin raid on a clinic mentioned earlier. He is said to have been severely tortured with cigarette burns, partially submerged in a tank of water and denied food for two days. He was in detention in Ossu, Viqueque as of mid-1986; Amnesty International does not know whether he was subsequently released.

Amnesty International believes that in accordance with international human rights standards, the Indonesian Government has an obligation to investigate these allegations of torture and killings, initiate legal proceedings against any suspects and punish anyone found to be responsible. Amnesty International would welcome any evidence that the Indonesian Government has taken such measures; its apparent failure to do so raises serious concerns about its commitment to upholding internationally-recognized human rights standards such as the United Nations Convention Against Torture.

Amnesty International continues to be concerned about the fairness of trials conducted in Dili District Court of persons suspected of having links to Fretilin. Amnesty International remains concerned that the defendants appear to have no choice of counsel other than a government-appointed defence team. Until the trial of Aleixo Gutteres in late 1986, no East Timorese prisoner had pleaded not guilty or made an appeal, suggesting that judicial procedures may not have been adequately understood. Although the trials are formally open to the public, no outside observers have been permitted to attend nor, to Amnesty International's knowledge, has any trial been covered in the press since a foreign journalist delegation was permitted inside the courtroom briefly in 1985. Repeated efforts of Amnesty International to obtain copies of trial documents have been unsuccessful. The Indonesian Government issued a statement in December 1986 through its embassies to the effect that while the court proceedings were public, Indonesia would not tolerate interference in her internal affairs and would not condone requests from organizations abroad to send special missions to attend such proceedings.

In its last statement to the Committee, Amnesty International expressed concern that 43 prisoners from East Timor sent to Jakarta to serve their sentences were effectively denied access to family and friends. Amnesty International thus welcomes reports that Domingas da Costa, a woman from East Timor detained in Tangerang Prison outside Jakarta since 1984, was transferred back to Dili in July 1987 to serve the remainder of her sentence. It urges the Indonesian Government to arrange for the transfer of the remaining East Timorese prisoners in Jakarta back to Dili so that they may have reasonable access to their families.

Amnesty International remains deeply concerned at the failure of the Indonesian Government to investigate cases of "disappearances" and extrajudicial executions which have taken place in East Timor over the last decade. Lists of names have been submitted to the government by Amnesty International and other organizations, but no inquiry appears to have been undertaken into any of the cases. In December 1986 the United Nations Working Group on Enforced or Involuntary Disappearances reported that the Indonesian Government had replied to none of the 67 cases transmitted to it by the Working Group. In some cases, however, Amnesty International has itself been able to clarify the fate of people previously reported to have "disappeared". Of the 71 individuals listed in Amnesty International's 1985 report entitled East Timor: Violations of Human Rights as having "disappeared" or been executed since August 1983, ten have been found to be alive; all had been in military custody at the time of their reported "disappearance".

A public accounting of the fate or current whereabouts of all those listed as "disappeared" is essential and would serve to ease the anxiety of relatives who have a right to know. Amnesty International believes there is a particular urgency to investigating such "disappearances" as a number of the families of the "disappeared" are reported to have been informed during the past year that their relatives were dead, without receiving a full explanation of their death. United Nations General Assembly Resolution 33/173 of 20 December 1978 called on all governments "in the event of reports of enforced or involuntary disappearances, to devote appropriate resources to searching for such persons and to undertake speedy and impartial investigations" and "to ensure the law enforcement and security authorities or organizations are fully accountable, especially in law, in the discharge of their duties, such accountability to

include legal responsibility for unjustifiable excesses which might lead to enforced or involuntary disappearances and to other violations of human rights."

Mr Chairman, human rights violations in East Timor are continuing. Torture and extrajudicial executions continue to be reported. The fairness of trials of political prisoners has been and continues to be open to question. Amnesty International believes that the international community must insist that immediate measures are taken to ensure that the fundamental rights of the East Timorese people are respected.